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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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John S. Hendricks

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05/22/2006

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EXAMINER

TESLOVICH, TAMARA

ART UNIT

PAPER NUMBER

2137

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/964,882

Applicant(s)

HENDRICKS

Examiner

Tamara Teslovich

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03/02/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on March 2, 2006 has been entered.

Claims 1-9 remain canceled.

Claims 10-31 are pending.

### ***Response to Arguments***

Applicant's arguments filed March 2, 2006 have been fully considered but they are not persuasive.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

In response to the Applicant's arguments on page 9 concerning the prior art's alleged failure to disclose the performance of error correction, the Examiner respectfully disagrees and calls the Applicant's attention to Seth-Smith's

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recitation of 'error correction' in column 7 line 38, column 8 lines 24 and 68, column 9 line 67, column 11 line 25, and so on.

Therefore, based on the above arguments, the Examiner respectfully maintains the rejections as set forth below and amended to reflect the Applicant's amendments.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has added the limitation 'performing error correction' to each of the independent claims however it is unclear on what the error correction is being performed. This renders the claims indefinite.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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**Claims 13-15, 20, 24-26 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez (US Patent 4,855,725) and further in view of Seth-Smith et al (US Patent 4,829,569).**

As per **Claim 13**, Fernandez teaches a method for restricting access to electronic books displayed on a viewer, comprising:

storing an electronic book on a viewer (see Fernandez col.3 lines 18-21; col.9 lines 21-24);

associating a unique code number with the electronic book (see Fernandez col.9 lines 29-32);

restricting access to the electronic book to the unique viewer for display on the unique viewer (see Fernandez col.9 lines 25-42).

Fernandez fails to teach associating the unique code number of the electronic book with a unique viewer and performing error correction.

Seth-Smith teaches associating electronic books with a unique viewer wherein only specific viewers [decoders] are enabled to receive and decrypt specific electronic books [specific messages] as well as performing error correction (see Seth-Smith col.3 lines 14-28).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include within Fernandez restricting access to electronic books for certain unique viewers as described in Seth-Smith to ensure that information meant for a specified user cannot be intercepted and read by anyone but the intended viewer.

As per **Claim 14**, the combined system of Fernandez and Seth-Smith teaches the method of Claim 13, further including displaying a menu providing an identification of the electronic book for selection [the whole system is to be menudriven] (see Seth-Smith col.5 lines 60-63; col.12 lines 52-57).

As per **Claim 15**, the combined system of Fernandez and Seth-Smith teaches the method of Claim 14, wherein the restricting step includes:

receiving an identification of the viewer [a secret serial number stored in the EEPROM];

determining if the identification of the viewer corresponds with the unique viewer [the correlation between the decoder identification and the secret serial number stored in the EEPROM is critical to the proper functioning of this system] (see Seth-Smith col.19 lines 38-63).

As per **Claim 20**, Fernandez teaches a method for restricting access to electronic books displayed on a viewer, comprising:

storing an electronic book on a viewer for viewing at a later time (see Fernandez col.3 lines 18-21; col.9 lines 21-24).

Fernandez fails to teach storing an identification of a viewer unique key, encrypting the stored electronic book based upon the viewer unique key, and decrypting the electronic book only upon receipt of the viewer unique key and performing error correction.

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Seth-Smith teaches storing an identification of a viewer unique key, encrypting the stored electronic book based upon the viewer unique key, and decrypting the electronic book only upon receipt of the viewer unique key and performing error correction (see Seth-Smith col.19 lines 38-63; col.24 lines 25-27).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include within Fernandez the additional access specifications relating to viewer unique keys as described in Seth-Smith to ensure that information meant for a specified user cannot be intercepted and read by anyone but the intended viewer.

As per **Claim 24**, Fernandez teaches a viewer for displaying electronic books, comprising:

a portable viewer having a processor, a memory for storing instruction, a memory for storing electronic books, and a display for displaying the electronic books (see Fernandez col.2 lines 43-63), wherein the processor operated under control of the instructions to execute a method comprising :

storing an electronic book on a viewer (see Fernandez col.3 lines 18-21; col.9 lines 21-24);

associating a unique code number with the electronic book (see Fernandez col.9 lines 29-32);

restricting access to the electronic book to the unique viewer for display on the unique viewer (see Fernandez col.9 lines 25-42).

Fernandez fails to teach associating the unique code number of the electronic book with a unique viewer and performing error correction.

Seth-Smith teaches associating electronic books with a unique viewer wherein only specific viewers [decoders] are enabled to receive and decrypt specific electronic books [specific messages] and error correction (see Seth-Smith col.3 lines 14-28).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include within Fernandez restricting access to electronic books for certain unique viewers as described in Seth-Smith to ensure that information meant for a specified user cannot be intercepted and read by anyone but the intended viewer.

As per **Claim 25**, the combined system of Fernandez and Seth-Smith teaches the viewer of Claim 24, further including displaying a menu providing an identification of the electronic book for selection [the whole system is to be menudriven] (see Seth-Smith col.5 lines 60-63; col.12 lines 52-57).

As per **Claim 26**, the combined system of Fernandez and Seth-Smith teaches the method of Claim 25, wherein the restricting step includes:

receiving an identification of the viewer [a secret serial number stored in the EEPROM];

determining if the identification of the viewer corresponds with the unique viewer [the correlation between the decoder identification and the secret serial



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number stored in the EEPROM is critical to the proper functioning of this system]

(see Seth-Smith col.19 lines 38-63).

As per **Claim 31**, Fernandez teaches a viewer for displaying electronic books, comprising:

a portable viewer having a processor, a memory for storing instruction, a memory for storing electronic books, and a display for displaying the electronic books (see Fernandez col.2 lines 43-63), wherein the processor operated under control of the instructions to execute a method comprising:

storing an electronic book on a viewer for viewing at a later time (see Fernandez col.3 lines 18-21; col.9 lines 21-24).

Fernandez fails to specifically mention storing an identification of a viewer unique key, encrypting the stored electronic book based upon the viewer unique key, and decrypting the electronic book only upon receipt of the viewer unique key and performing error correction.

Seth-Smith teaches storing an identification of a viewer unique key, encrypting the stored electronic book based upon the viewer unique key, and decrypting the electronic book only upon receipt of the viewer unique key and performing error correction (see Seth-Smith col.19 lines 38-63; col.24 lines 25-27).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include within Fernandez the additional access specifications relating to viewer unique keys as described in Seth-Smith to

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ensure that information meant for one user cannot be intercepted and read by anyone but the intended viewer.

**Claims 10-12, 16-19, 21-23 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez (US Patent 4,855,725) and further in view of Seth-Smith et al (US Patent 4,829,569) and Kudelski et al. (US Patent 5,144,663).**

As per **Claim 10**, Fernandez teaches a method for restricting access to electronic books displayed on a viewer comprising:

storing an electronic book on a viewer [according to encoding and decoding protocols well known in the art] (see Fernandez col.4 lines 20-25), the electronic book having a plurality of pages (see Fernandez col.3 lines 18-21; col.9 lines 21-24);

receiving a request to view the electronic book (see Fernandez col.4 lines 36-37); and

viewing the pages on a page-by-page basis (see Fernandez col.4 lines 63-67).

Fernandez fails to teach the storing of the electronic book in an 'encrypted' form, the decryption of pages one at a time for viewing and the re-encrypting of pages no longer on display and performing error correction.

Seth-Smith teaches the storing of encrypted teletext [electronic book] received by a decoder [viewer] as part of a data communication system, wherein

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teletext is stored, decrypted and displayed a page at a time when requested and performing error correction (see Seth-Smith col.col.3 lines 23-28; col.18 lines 11-18; col.20 lines 64-68).

Kudelski teaches the method of interactive communication between the subscriber and decoder in a Seth-Smith Subscription Television System, further describing the liberation of segments of memory pertaining to decrypted pages with the selection of a new page for viewing so that pages not currently in view are securely stored in an encrypted form, not in plaintext (see Kudelski col4. lines 19-46).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include within Seth-Smith the liberation method as described in Kudelski to provide safety against piracy by securing teletext [electronic books] when not in use.

As per **Claim 11**, the combined system of Fernandez, Seth-Smith, and Kudelski teaches the method of Claim 10 wherein the decrypting the pages includes decrypting the pages on a page-by-page basis upon receiving a unique key associated with the electronic book (see Fernandez col. 10 lines 5-14; see Seth-Smith col.3 lines 23-28; col.10 lines 39-42; col.19 lines 38-63).

As per **Claim 12**, the combined system of Fernandez, Seth-Smith, and Kudelski teaches the method of Claim 10 wherein receiving step includes displaying a menu providing an identification of the electronic book for selection

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[the whole system is to be menudriven] (see Seth-Smith col.5 lines 60-63; col.12 lines 52-57).

As per **Claim 16**, Fernandez teaches a method for restricting access to electronic books displayed on a viewer, comprising:

storing an electronic book on a viewer for viewing at a later time (see Fernandez col.3 lines 18-21; col.9 lines 21-24);

Fernandez fails to specifically mention associating a time parameter with the electronic book and restricting access to the electronic book, for display on the electronic book on the viewer, based upon the time parameter and performing error correction.

Seth-Smith teaches the association of specific time parameters [the individual decoders use the tier number transmitted as part of the system data to either enable or disable the viewing of a particular program at a particular time] and performing error correction (see Seth-Smith col.10 lines 55-58).

Kudelski teaches the association of specific time parameters with the electronic data (see Kudelski col.6 lines 46-50; col.7 line 65 thru col.8 line 9).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include within Fernandez the additional access specifications relating to time parameters as described in Seth-Smith and Kudelski to ensure the close control of dissemination of information only when appropriate.

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As per **Claim 17**, the combined system of Fernandez, Seth-Smith, and Kudelski teaches the method of Claim 16, include deleting the electronic book from the viewer based on the time parameter [date of expiration] (see Kudelski col.6 lines 46-50; col.7 line 65 thru col.8 line 9).

As per **Claim 18**, the combined system of Fernandez, Seth-Smith, and Kudelski teaches the method of Claim 17, wherein the deleting step includes automatically erasing the electronic book from the view upon expiration of a particular time period [date of expiration] (see Kudelski col.6 lines 46-50; col.7 line 65 thru col.8 line 9).

As per **Claim 19**, the combined system of Fernandez, Seth-Smith, and Kudelski teaches the method of Claim 16, wherein the restricting step includes providing permanent storage of the electronic book on the viewer (see Fernandez col.3 lines 24-35).

As per **Claim 21**, Fernandez teaches a viewer for displaying electronic books, comprising:

a portable viewer having a processor, a memory for storing instruction, a memory for storing electronic books, and a display for displaying the electronic books (see Fernandez col.2 lines 43-63), wherein the processor operated under control of the instructions to execute a method comprising :

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storing an electronic book on a viewer [according to encoding and decoding protocols well known in the art] (see Fernandez col.4 lines 20-25), the electronic book having a plurality of pages (see Fernandez col.3 lines 18-21; col.9 lines 21-24); receiving a request to view the electronic book (see Fernandez col.4 lines 36-37); and

viewing the pages on a page-by-page basis (see Fernandez col.4 lines 63-67).

Fernandez fails to teach the storing of the electronic book in an 'encrypted' form, the decryption of pages one at a time for viewing and the re-encrypting of pages no longer on display and performing error correction.

Seth-Smith teaches the storing of encrypted teletext [electronic book] received by a decoder [viewer] as part of a data communication system, wherein teletext is stored, decrypted and displayed a page at a time when requested and performing error correction (see Seth-Smith col.col.3 lines 23-28; col.18 lines 11-18; col.20 lines 64-68).

Kudelski teaches the method of interactive communication between the subscriber and decoder in a Seth-Smith Subscription Television System, further describing the liberation of segments of memory pertaining to decrypted pages with the selection of a new page for viewing (see Kudelski col4. lines 19-46).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include within Seth-Smith the liberation method as described in Kudelski to provide safety against piracy by securing teletext [electronic books] when not in use.

As per **Claim 22**, the combined system of Fernandez, Seth-Smith, and Kudelski teaches the viewer of Claim 21 wherein the decrypting the pages includes decrypting the pages on a page-by-page basis upon receiving a unique key associated with the electronic book (see Fernandez col. 10 lines 5-14; see Seth-Smith col.3 lines 23-28; col.10 lines 39-42; col.19 lines 38-63).

As per **Claim 23**, the combined system of Fernandez, Seth-Smith, and Kudelski teaches the viewer of Claim 21 wherein receiving step includes displaying a menu providing an identification of the electronic book for selection [the whole system is to be menudriven] (see Seth-Smith col.5 lines 60-63; col.12 lines 52-57).

As per **Claim 27**, Fernandez teaches a viewer for displaying electronic books, comprising:

a portable viewer having a processor, a memory for storing instruction, a memory for storing electronic books, and a display for displaying the electronic books (see Fernandez col.2 lines 43-63), wherein the processor operated under control of the instructions to execute a method comprising:

storing an electronic book on a viewer for viewing at a later time (see Fernandez col.3 lines 18-21; col.9 lines 21-24);

Fernandez fails to teach associating a time parameter with the electronic book and restricting access to the electronic book, for display on the electronic

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book on the viewer, based upon the time parameter and performing error correction.

Seth-Smith teaches the association of specific time parameters [the individual decoders use the tier number transmitted as part of the system data to either enable or disable the viewing of a particular program at a particular time] and performing error correction (see Seth-Smith col.10 lines 55-58)

Kudelski teaches the association of specific time parameters with the electronic data (see Kudelski col.6 lines 46-50; col.7 line 65 thru col.8 line 9).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include within Fernandez the additional access specifications relating to time parameters as described in Seth-Smith and Kudelski to ensure the close control of dissemination of information only when appropriate.

As per **Claim 28**, the combined system of Fernandez, Seth-Smith, and Kudelski teaches the viewer of Claim 27, including deleting the electronic book from the viewer based on the time parameter [date of expiration] (see Kudelski col.6 lines 46-50; col.7 line 65 thru col.8 line 9).

As per **Claim 29**, the combined system of Fernandez, Seth-Smith, and Kudelski teaches the viewer of Claim 28, wherein the deleting step includes automatically erasing the electronic book from the view upon expiration of a



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particular time period [date of expiration] (see Kudelski col.6 lines 46-50; col.7 line 65 thru col.8 line 9).

As per **Claim 30**, the combined system of Fernandez, Seth-Smith, and Kudelski teaches the viewer of Claim 27, wherein the restricting step includes providing permanent storage of the electronic book on the viewer (see Fernandez col.3 lines 24-35).

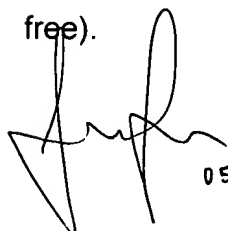
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara Teslovich whose telephone number is (571) 272-4241. The examiner can normally be reached on Mon-Fri 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free).

  
05.14.06  
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